

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

SAMMY LEE PENDLETON,

Petitioner,

vs.

WARDEN LINDA SANDERS,

Respondent

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Case No. 13-3394-CV-H-MDH

ORDER

Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, the petition herein for a writ of habeas corpus was referred to the United States Magistrate for preliminary review under the provisions of 28 U.S.C. § 636(b).

The United States Magistrate has completed his preliminary review of the petition and has submitted to the undersigned a report and recommendation that the petition be dismissed . (Doc. No. 4). In response, Petitioner has filed a “Breif (sic) Memorandum of Law.” (Doc. No. 5). Petitioner states “I never wrote the Petition” and that “I have my administrative remdys (sic) in the Supreme Court 09-11355.” Petitioner further states “I want you to know I did not Petition the Springfield Missouri District Court.”

Therefore, after a de novo review of the report and recommendation, and in further consideration of Petitioner’s statement that he did not petition this Court, it is concluded that the recommendation of the Magistrate is correct and should be approved.

IT IS THEREFORE ORDERED that the Petition for a writ of habeas corpus be, and it is hereby, **DISMISSED** without prejudice.

IT IS SO ORDERED.

Dated: April 30, 2015

/s/ Douglas Harpool
Douglas Harpool
United States District Judge